

REMARKS/ARGUMENTS

Applicants received the Office Action dated April 21, 2008, in which the Examiner: (1) rejected claims 5-9 and 15-20 under 35 U.S.C. § 103(a) as being allegedly obvious over U.S. Pat. No. 6,760,319 ("Gerten") in view of U.S. Pat. No. 6,326,926 ("Shoobridge") and U.S. Pat. No. 7,114,010 ("Karaoguz"); (2) rejected claims 10-13 under 35 U.S.C. § 103(a) as being allegedly obvious over *Gerten* in view of *Karaoguz*; and (3) allowed claims 1-4 and 14. Applicants recognize with appreciation the allowance of claims 1-4 and 14.

In this response, Applicants amended claims 5-10. Based upon the amendments and arguments contained herein, Applicants respectfully request reconsideration and allowance of the pending claims.

THE CITED REFERENCES

Gerten teaches avoiding interference in a Bluetooth system by scanning communication channels for interference and adjusting the frequency hop sequence as needed (see claim 1; Figure 3; and col. 4, lines 38-67).

Shoobridge teaches avoiding interference during transmission of Bluetooth and 802.11 signals by spatially separating the radiation patterns (see claim 1; Figure 3; and col. 6, line 59 – col. 7, line 8).

Karaoguz teaches a dual-mode controller 200 that supports Bluetooth and 802.11b. The controller 200 scans a first network (e.g., 802.11b), and if operative, enables communications via the first network. If the first network is inoperative (or later becomes inoperative) or is not selected by a user, the controller 200 scans the other network. This process is repeated. See col. 11, line 3 – col. 12, line 3. The controller 200 is configured to select the network that provides the best performance. See col. 2, lines 28-35.

§ 103 REJECTIONS

The Examiner rejected claims 5-9 and 15-20 under 35 U.S.C. § 103(a) as being obvious over *Gerten* in view of *Shoobridge* and *Karaoguz*. Further, the Examiner rejected claims 10-13 under 35 U.S.C. § 103(a) as being obvious over *Gerten* in view *Karaoguz*. "Any rejection under 35 U.S.C. § 103 must clearly and explicitly articulate

the reason(s) why the claimed invention would have been obvious." MPEP § 2142. The framework for determining obviousness under 35 U.S.C. § 103 requires (1) determination of the scope and content of the prior art; (2) assessment of the differences between the claimed invention and the prior art; and (3) assessment of the level of ordinary skill in the pertinent art. MPEP § 2141 (citing *KSR International Co. v. Teleflex Inc.*, 127 S. Ct. 1727 (2007)). Differences between the claim limitations and the prior art weighs in favor of non-obviousness. To establish obviousness, each of the claim limitations must be taught or suggested by the prior art. See *CFMT, Inc. v. YieldUp Int'l Corp.*, 349 F.3d 1333, 1342 (Fed. Cir. 2003). Applicants traverse the obviousness rejections for the following reasons.

Amended claim 5, in part, requires "synchronization between the Bluetooth mode and the second mode is maintained in the third communication device to selectively enable the first and second communication devices to communicate with each other via the third communication device." The Examiner recognizes that *Gerten* and *Shoobridge* fail to teach synchronization as in claim 5, but cites *Karaoguz* as teaching the limitation. See Office Action dated 04/21/08, page 4, paragraph 1. However, *Karaoguz*'s synchronization process relates to determining which network provides better service and switching between multiple networks accordingly (see at least col. 2, lines 28-37). In contrast, the synchronization of claim 5 enables "the first and second communication devices to communicate with each other via the third communication device". *Karaoguz* does not even discuss different piconets and thus does not teach the above limitations.

Further, the teachings of *Shoobridge* and *Karaoguz* conflict with each other. *Shoobridge* avoids interference during transmission of Bluetooth and 802.11 signals by spatially separating the radiation patterns. In contrast, *Karaoguz* separates Bluetooth and 802.11 transmissions in time, not space. Thus, Applicants submit that it would not be obvious to combine *Shoobridge* and *Karaoguz*. The Examiner has not clarified these issues and thus has not clearly and explicitly articulated the reason why the claimed invention would have been obvious. For at least these reasons, claim 5 and its dependent claims are allowable over the cited references.

Claim 10, in part, requires "synchronizing the Bluetooth mode and the second mode of the first communication device to selectively enable devices in the first and second piconets to exchange data". For much the same reasons as given for claim 5, *Karaoguz*'s synchronizing process is not the same as the synchronizing process of claim 10. *Gerten* and *Karaoguz*, considered individually or together, fail to teach or suggest first and second piconets associated with different communication modes. *Karaoguz* does not even mention piconets and *Gerten* only mentions Bluetooth piconets. For at least these reasons, claim 10 and its dependent claims are allowable over the cited references.

CONCLUSION

In the course of the foregoing discussions, Applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the cited art which have yet to be raised, but which may be raised in the future.

Applicants respectfully requests reconsideration and that a timely Notice of Allowance be issued in this case. However, in the event that additional extensions of time are necessary to allow for consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Texas Instruments Incorporated's Deposit Account No. 20-0668 for such fees.

Respectfully submitted,

/Alan D. Christenson/
Alan D. Christenson
PTO Reg. No. 54,036
CONLEY ROSE, P.C.
(713) 238-8000 (Phone)
(713) 238-8008 (Fax)
ATTORNEY FOR APPLICANT